

ESTTA Tracking number: **ESTTA577094**

Filing date: **12/17/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212074
Party	Plaintiff Pepsico, Inc.
Correspondence Address	PAUL J REILLY BAKER BOTTS LLP 30 ROCKEFELLER PLAZA NEW YORK, NY 10112-4498 UNITED STATES trademarks@pepsico.com, elizabeth.bilus@pepsico.com, donna.j.sanders@pepsico.com, lauren.emerson@bakerbotts.com, nytmdpt@bakerbotts.com
Submission	Motion to Extend
Filer's Name	Lauren Beth Emerson
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Signature	/Lauren Beth Emerson/
Date	12/17/2013
Attachments	12-17-13 Consent Motion.pdf(9944 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of U.S. Applicant Serial No. 85/555,012
Trademark: PEPSIP
Filed: August 5, 2005

	X	
	:	
PEPSICO, INC.	:	
	:	
Opposer,	:	
	:	
vs.	:	Opposition No. 91212074
	:	
DYNAMIC MOUTH DEVICES, LLC	:	
	:	
Applicant.	:	
	:	
	X	

MOTION ON CONSENT TO EXTEND ALL DATES BY 60 DAYS

Opposer, PepsiCo, Inc. (“Opposer”), by its undersigned counsel,
respectfully moves for a sixty (60) day extension of all dates in the proceeding with the
consent of Opposer and for the good cause shown herein.

The parties are engaged in settlement negotiations. It is anticipated that a
settlement may be achieved but more time is required. Extending out the dates in the
proceeding, including dates for the initial disclosures, discovery and trial, should assist
the parties in their efforts toward trying to reach a settlement. This motion is made in
good faith and without any intention of causing a delay in this proceeding.

By e-mail on December 17, 2013, Applicant’s counsel consented to a sixty
(60) day extension of all dates in the proceeding.

Wherefore, for the reasons stated and the good cause shown herein,
Opposer, by its counsel, and with Applicant's consent, respectfully requests that all dates
be extended by sixty (60) days as follows:

Time to Answer : CLOSED
Deadline for Discovery Conference : CLOSED
Discovery Opens : CLOSED
Initial Disclosures Due : 02/25/2014
Expert Disclosures Due : 06/25/2014
Discovery Period to Close : 07/25/2014
Plaintiff Pretrial Disclosures : 09/08/2014
Plaintiff's 30-day Trial Period Ends : 10/23/2014
Defendant's Pretrial Disclosures : 11/07/2014
Defendant's 30-day Trial Period ends : 12/21/2014
Plaintiff's Rebuttal Disclosures : 01/06/2015
Plaintiff's 15-day Rebuttal Period Ends : 02/05/2014

Respectfully submitted,

BAKER BOTTS, L.L.P.

Date: December 17, 2013

By: /s/ Lauren Beth Emerson
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New York, NY 10112-4498
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Attorneys for Opposer PepsiCo, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below a true and correct copy of the aforementioned document, “**MOTION ON CONSENT TO EXTEND ALL DATES BY 60 DAYS,**” was served via email on following counsel of record for the Opposer as follows:

greilly@ldlkm.com
trademarkadmin@ldlkm.com
litigation@ldlkm.com

Date: December 17, 2013

/s/ Lauren Beth Emerson
Lauren Beth Emerson